

In the United States District Court  
For the District of Delaware

James Hall

Plaintiff

v.

David Hobman, Deputy warden  
Lawrence Megaw and Clyde  
Sages

Defendants.

C.A. No. 04-1328-GMS

Jury Trial of Twelve  
Demanded

FILED

DEC 22 2005

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Motion To Amend/Correct Deficiencies  
In Plaintiff's Reply To State Defendants, 12, (b)(6) / Summary  
Judgment, pursuant to the appropriate court rule or case authority

comes now, Plaintiff James Hall, requests leave to amend/  
correct deficiencies in his recently filed Reply to Defendant Motion  
To Dismiss Pursuant To Rule 12 (b)(6), and offers the court  
The Following in support:

1). First, Plaintiff is a pro-se litigant and a friend of the  
court who has filed a Meritorious Complaint and has been  
Granted *informa peritis* status; he request pleading competency  
pursuant to Haines v Kerner

2). Plaintiff filed his Reply on or about December 15, 2005  
however, said Reply was not actually due until, on or about  
December 26, 2005

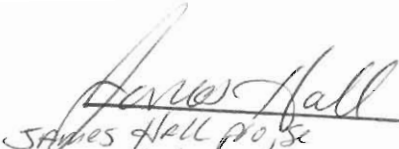
3). Defendants will not be prejudiced if the Court grants the instant request, because they have not responded as of yet and have adequate time to do so. And it is appropriate in the interests of Justice and fairness for the Court to consider these facts along with Plaintiff's reply and for Defendants to answer their indefensible and reprehensible actions.

4). Defendants filed in combination a 12(b)(6)/Summary Judgment (i.e. a potentially dispositive motion) in an attempt to dispose of Plaintiff's meritorious suit at the complaint stage. Defendants also requested protection from Plaintiff's properly filed and necessary discovery motion until after the Court decides their potentially dispositive motion.

5). It appears by analogy - that Defendants like a heavyweight boxing champ who maintains his champion rank by only fighting deaf, dumb, and blind challengers, because Defendants here would prohibit discovery to Plaintiff who claims that discovery is necessary to prove his claims, however in Defendants' possession - and incredibly misuse some of the same discovery (e.g. medical records of the Plaintiff) against Plaintiff, in their arguably dispositive motion, Defendants cannot simply bar Plaintiff's necessary discovery until after the dispositive motions are decided, however, Defendants wish to disadvantage Plaintiff but create every unfair advantage for themselves, however the Battle fields of Justice requires a level playing field.

6). The interest of justice and fairness require that Defendants who chose to use discovery materials within their potentially dispositive motions, waive their Badfaith Motion for protection from discovery and bear the burden and consequences of their dispiritable behavior; and or the Court may strike any and all improperly and unfair discovery materials that Defendants employed in their Motion to Dismiss

wherefor, Plaintiff pray this Honorable Court, strike down the Exhibits Defendant employed in their Motion to Dismiss/Summary Judgment in the interest of fairness and justice

  
James Hall pro, se  
1181 Oakbrook Dr  
DePue Correctional Center

December 20, 2005,  
Date

Certificate of Service

I, James Hall, hereby certify that I have served a true  
and correct cop(ies) of the attached: (2) correction of Defendant  
Martin to Howard upon the following  
parties/person (s):

TO: Cisa Brichi  
820 N. French Street 6<sup>th</sup> Floor  
Wilmington Del 19801-3569

TO: \_\_\_\_\_

TO: \_\_\_\_\_

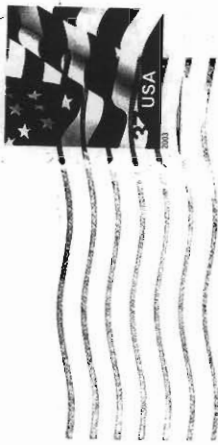
TO: \_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United  
States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 20 day of December, 2005

James Hall

IM James Hall pro.se  
SBI# 167581 UNIT W-2-9  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



Office of the Clerk  
844 N. King Street, Room 18  
Wilmington Delaware 19801-3513

Capt  
Mail

19801-3513